



General Assembly

January Session, 2007

Raised Bill No. 1153

LCO No. 4047

04047_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

***AN ACT CONCERNING CONFIDENTIALITY OF AND ACCESS TO
RECORDS MAINTAINED BY THE DEPARTMENT OF CHILDREN AND
FAMILIES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 17a-28 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) As used in this section:

4 (1) "Person" means (A) any individual named in a record,
5 maintained by the department, who (i) is presently or at any prior time
6 was a ward of or committed to the commissioner for any reason; (ii)
7 otherwise received services, voluntarily or involuntarily, from the
8 department; or (iii) is presently or was at any prior time the subject of
9 an investigation by the department; (B) [the] a parent, whose parental
10 rights have not been terminated, or current guardian of a person, as
11 defined in subparagraph (A) of this subdivision, if such person is a
12 minor; [or] (C) the authorized representative of a person, as defined in
13 subparagraph (A) of this subdivision, if such person is deceased;

14 (2) "Attorney" means the licensed attorney authorized to assert the

15 confidentiality of or right of access to records of a person;

16 (3) "Authorized representative" means a parent, guardian, guardian
17 ad litem, attorney, conservator or other individual authorized to assert
18 the confidentiality of, or right of access to, records of a person;

19 (4) "Consent" means permission given in writing by a person, [his]
20 the person's attorney or [his] the person's authorized representative to
21 disclose specified information, within a limited time period, regarding
22 the person to specifically identified individuals or entities;

23 (5) "Records" means information created or obtained in connection
24 with the department's child protection activities or other activities
25 related to a child while in the care or custody of the department,
26 including information in the registry of reports to be maintained by the
27 commissioner pursuant to section 17a-101k; [provided records which
28 are not created by the department are not subject to disclosure, except
29 as provided pursuant to subsection (f), (l) or (n) of this section;]

30 (6) "Disclose" means (A) to provide an oral summary of records
31 maintained by the department to an individual, agency, corporation or
32 organization, or (B) to allow an individual, agency, corporation or
33 organization to review or obtain copies of such records in whole, part
34 or summary form;

35 (7) "Near fatality" means an act, as certified by a physician, that
36 places a child in serious or critical condition.

37 (b) Notwithstanding the provisions of section 1-210, 1-211 or 1-213,
38 records maintained by the department shall be confidential and [shall
39 not be disclosed. Such records of any person] may only be disclosed, in
40 whole or in part, to any individual, agency, corporation or
41 organization with the consent of the person or as provided in this
42 section. Any unauthorized disclosure shall be punishable by a fine of
43 not more than one thousand dollars or imprisonment for not more
44 than one year, or both.

45 [(c) When information concerning an incident of abuse or neglect
46 has been made public or when the commissioner reasonably believes
47 publication of such information is likely, the commissioner or the
48 commissioner's designee may disclose, with respect to an investigation
49 of such abuse or neglect: (1) Whether the department has received a
50 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
51 section 17a-103, and (2) in general terms, any action taken by the
52 department, provided (A) the names or other individually identifiable
53 information of the minor victim or other family member is not
54 disclosed, and (B) the name or other individually identifiable
55 information of the person suspected to be responsible for the abuse or
56 neglect is not disclosed unless the person has been arrested for a crime
57 due to such abuse or neglect.

58 (d) The commissioner shall make available to the public, without
59 the consent of the person, information in general terms or findings
60 concerning an incident of abuse or neglect which resulted in a child
61 fatality or near fatality of a child, provided disclosure of such
62 information or findings does not jeopardize a pending investigation.]

63 (c) Notwithstanding any provision of the general statutes, records
64 that (1) contain privileged communications, or (2) are confidential
65 pursuant to any federal law or regulation shall not be disclosed except
66 as authorized by law.

67 (d) Any information disclosed from a person's record shall not be
68 disclosed further without the written consent of the person, except if
69 disclosed pursuant to an order of a court of competent jurisdiction.

70 (e) The commissioner shall, upon written request, disclose the
71 following information concerning agencies licensed by the Department
72 of Children and Families, except foster care parents, relatives of the
73 child who are certified to provide foster care or prospective adoptive
74 families: (1) The name of the licensee; (2) the date the original license
75 was issued; (3) the current status of the license; (4) whether an agency
76 investigation or review is pending or has been completed; and (5) any

77 licensing action taken by the department at any time during the period
78 such license was issued and the reason for such action, provided
79 disclosure of such information will not jeopardize a pending
80 investigation.

81 [(f) The commissioner or the commissioner's designee shall, upon
82 request, promptly provide copies of records, without the consent of a
83 person, to (1) a law enforcement agency, (2) the Chief State's Attorney
84 or the Chief State's Attorney's designee or a state's attorney for the
85 judicial district in which the child resides or in which the alleged abuse
86 or neglect occurred or the state's attorney's designee, for purposes of
87 investigating or prosecuting an allegation of child abuse or neglect, (3)
88 the attorney appointed to represent a child in any court in litigation
89 affecting the best interests of the child, (4) a guardian ad litem
90 appointed to represent a child in any court in litigation affecting the
91 best interests of the child, (5) the Department of Public Health, which
92 licenses any person to care for children for the purposes of
93 determining suitability of such person for licensure, subject to the
94 provisions of sections 17a-101g and 17a-101k, (6) any state agency
95 which licenses such person to educate or care for children pursuant to
96 section 10-145b or 17a-101j, subject to the provisions of sections 17a-
97 101g and 17a-101k concerning nondisclosure of findings of
98 responsibility for abuse and neglect, (7) the Governor, when requested
99 in writing, in the course of the Governor's official functions or the
100 Legislative Program Review and Investigations Committee, the
101 committee of the General Assembly on judiciary and the committee of
102 the General Assembly having cognizance of matters involving children
103 when requested in the course of such committees' official functions in
104 writing, and upon a majority vote of said committee, provided no
105 names or other identifying information shall be disclosed unless it is
106 essential to the legislative or gubernatorial purpose, (8) a local or
107 regional board of education, provided the records are limited to
108 educational records created or obtained by the state or Connecticut-
109 Unified School District #2, established pursuant to section 17a-37, (9) a
110 party in a custody proceeding under section 17a-112 or 46b-129, in the

111 Superior Court where such records concern a child who is the subject
112 of the proceeding or the parent of such child, and (10) to the Chief
113 Child Protection Attorney, or his or her designee, for purposes of
114 ensuring competent representation by the attorneys who the Chief
115 Child Protection Attorney contracts with to provide legal and guardian
116 ad litem services to the subjects of said records and to ensure accurate
117 payments for services rendered by said contract attorneys. A
118 disclosure under this section shall be made of any part of a record,
119 whether or not created by the department, provided no confidential
120 record of the Superior Court shall be disclosed other than the petition
121 and any affidavits filed therewith in the superior court for juvenile
122 matters, except upon an order of a judge of the Superior Court for
123 good cause shown. The commissioner shall also disclose the name of
124 any individual who cooperates with an investigation of a report of
125 child abuse or neglect to such law enforcement agency or state's
126 attorney for purposes of investigating or prosecuting an allegation of
127 child abuse or neglect. The commissioner or the commissioner's
128 designee shall, upon request, subject to the provisions of sections 17a-
129 101g and 17a-101k, promptly provide copies of records, without the
130 consent of the person, to (A) the Department of Public Health for the
131 purpose of determining the suitability of a person to care for children
132 in a facility licensed under sections 19a-77 to 19a-80, inclusive, 19a-82
133 to 19a-87, inclusive, and 19a-87b, and (B) the Department of Social
134 Services for determining the suitability of a person for any payment
135 from the department for providing child care.

136 (g) When the commissioner or his designee determines it to be in a
137 person's best interest, the commissioner or his designee may disclose
138 records, whether or not created by the department and not otherwise
139 privileged or confidential communications under state or federal law,
140 without the consent of a person to:

141 (1) Multidisciplinary teams which are formed to assist the
142 department in investigation, evaluation or treatment of child abuse
143 and neglect cases or a multidisciplinary provider of professional

144 treatment services under contract with the department for a child
145 referred to the provider;

146 (2) Any agency in another state which is responsible for
147 investigating or protecting against child abuse or neglect for the
148 purpose of investigating a child abuse case;

149 (3) An individual, including a physician, authorized pursuant to
150 section 17a-101f to place a child in protective custody if such
151 individual has before him a child whom he reasonably suspects may
152 be a victim of abuse or neglect and such individual requires the
153 information in a record in order to determine whether to place the
154 child in protective custody;

155 (4) An individual or public or private agency responsible for a
156 person's care or custody and authorized by the department to
157 diagnose, care for, treat or supervise a child who is the subject of a
158 record of child abuse or neglect or a public or private agency
159 responsible for a person's education for a purpose related to the
160 individual's or agency's responsibilities;

161 (5) The Attorney General or any assistant attorney general
162 providing legal counsel for the department;

163 (6) Individuals or public or private agencies engaged in medical,
164 psychological or psychiatric diagnosis or treatment of a person
165 perpetrating the abuse or who is unwilling or unable to protect the
166 child from abuse or neglect when the commissioner or his designee
167 determines that the disclosure is needed to accomplish the objectives
168 of diagnosis or treatment;

169 (7) A person who reports child abuse pursuant to sections 17a-101a
170 to 17a-101c, inclusive, and section 17a-103, who made a report of abuse
171 involving the subject child, provided the information disclosed is
172 limited to (A) the status of the investigation and (B) in general terms,
173 any action taken by the department;

174 (8) An individual conducting bona fide research, provided no
175 information identifying the subjects of records shall be disclosed
176 unless (A) such information is essential to the purpose of the research;
177 (B) each person identified in a record or his authorized representative
178 has authorized such disclosure in writing; and (C) the department has
179 given written approval;

180 (9) The Auditors of Public Accounts or their representative,
181 provided no information identifying the subjects of the records shall be
182 disclosed unless such information is essential to an audit conducted
183 pursuant to section 2-90;

184 (10) The Department of Social Services, provided the information
185 disclosed is necessary to promote the health, safety and welfare of the
186 child;

187 (11) A judge of the Superior Court for purposes of determining the
188 appropriate disposition of a child convicted as delinquent or a child
189 who is a member of a family with service needs; and

190 (12) The superintendents, or their designees, of state-operated
191 facilities within the department.

192 (h) The commissioner or his designee may disclose the name,
193 address and fees for services to a person, to individuals or agencies
194 involved in the collection of fees for such services, except as provided
195 in section 17b-225. In cases where a dispute arises over such fees or
196 claims or where additional information is needed to substantiate the
197 fee or claim, such disclosure of further information shall be limited to
198 the following: (1) That the person was in fact committed to or
199 otherwise served by the department; (2) dates and duration of service;
200 and (3) a general description of the service, which shall include
201 evidence that a service or treatment plan exists and has been carried
202 out and evidence to substantiate the necessity for admission and
203 length of stay in any institution or facility.

204 (i) Notwithstanding the provisions of subsections (f) and (l) of this
205 section, the name of an individual reporting child abuse or neglect
206 shall not be disclosed without his written consent except to (1) an
207 employee of the department responsible for child protective services or
208 the abuse registry; (2) a law enforcement officer; (3) an appropriate
209 state's attorney; (4) an appropriate assistant attorney general; (5) a
210 judge of the Superior Court and all necessary parties in a court
211 proceeding pursuant to section 46b-129, or a criminal prosecution
212 involving child abuse or neglect; or (6) a state child care licensing
213 agency, executive director of any institution, school or facility or
214 superintendent of schools pursuant to section 17a-101i.

215 (j) Notwithstanding the provisions of subsection (g) of this section,
216 the name of any individual who cooperates with an investigation of a
217 report of child abuse or neglect shall be kept confidential upon request
218 or upon determination by the department that disclosure of such
219 information may be detrimental to the safety or interests of the
220 individual, except the name of any such individual shall be disclosed
221 to the persons listed in subsection (i) of this section.

222 (k) Notwithstanding the confidentiality provisions of this section,
223 the commissioner, upon request of an employee, shall disclose such
224 records to such employee or his authorized representative which
225 would be applicable and necessary for the purposes of an employee
226 disciplinary hearing or appeal from a decision after such hearing.

227 (l) Information disclosed from a person's record shall not be
228 disclosed further without the written consent of the person, except if
229 disclosed to a party or his counsel pursuant to an order of a court in
230 which a criminal prosecution or an abuse, neglect, commitment or
231 termination proceeding against the party is pending. A state's attorney
232 shall disclose to the defendant or his counsel in a criminal prosecution,
233 without the necessity of a court order, exculpatory information and
234 material contained in such record and may disclose, without a court
235 order, information and material contained in such record which could

236 be the subject of a disclosure order. All written records disclosed to
237 another individual or agency shall bear a stamp requiring
238 confidentiality in accordance with the provisions of this section. Such
239 material shall not be disclosed to anyone without written consent of
240 the person or as provided by this section. A copy of the consent form
241 specifying to whom and for what specific use the record is disclosed or
242 a statement setting forth any other statutory authorization for
243 disclosure and the limitations imposed thereon shall accompany such
244 record. In cases where the disclosure is made orally, the individual
245 disclosing the information shall inform the recipient that such
246 information is governed by the provisions of this section.

247 (m) In addition to the right of access provided in section 1-210, any
248 person, regardless of age, his authorized representative or attorney
249 shall have the right of access to any records made, maintained or kept
250 on file by the department, whether or not such records are required by
251 any law or by any rule or regulation, when those records pertain to or
252 contain information or materials concerning the person seeking access
253 thereto, including but not limited to records concerning investigations,
254 reports, or medical, psychological or psychiatric examinations of the
255 person seeking access thereto, provided that (1) information
256 identifying an individual who reported abuse or neglect of a person,
257 including any tape recording of an oral report pursuant to section 17a-
258 103, shall not be released unless, upon application to the Superior
259 Court by such person and served on the Commissioner of Children
260 and Families, a judge determines, after in camera inspection of
261 relevant records and a hearing, that there is reasonable cause to believe
262 the reporter knowingly made a false report or that other interests of
263 justice require such release; and (2) if the commissioner determines
264 that it would be contrary to the best interests of the person or his
265 authorized representative or attorney to review the records, he may
266 refuse access by issuing to such person or representative or attorney a
267 written statement setting forth the reasons for such refusal, and advise
268 the person, his authorized representative or attorney of the right to
269 seek judicial relief. When any person, attorney or authorized

270 representative, having obtained access to any record, believes there are
271 factually inaccurate entries or materials contained therein, he shall
272 have the unqualified right to add a statement to the record setting
273 forth what he believes to be an accurate statement of those facts, and
274 said statement shall become a permanent part of said record.

275 (n) (1) Any person, attorney or authorized representative aggrieved
276 by a violation of subsection (b), (f), (g), (h), (i), (j) or (l) of this section or
277 of subsection (m) of this section, except subdivision (2) of said
278 subsection (m), may seek judicial relief in the same manner as
279 provided in section 52-146j; (2) any person, attorney or authorized
280 representative denied access to records by the commissioner under
281 subdivision (2) of subsection (m) of this section may petition the
282 superior court for the venue district provided in section 46b-142 in
283 which the person resides for an order requiring the commissioner to
284 permit access to those records, and the court after hearing, and an in
285 camera review of the records in question, shall issue such an order
286 unless it determines that to permit such access would be contrary to
287 the best interests of the person or authorized representative.

288 (o) The commissioner shall promulgate regulations pursuant to
289 chapter 54, within one year of October 1, 1996, to establish procedures
290 for access to and disclosure of records consistent with the provisions of
291 this section.]

292 (f) The name of any individual who reports suspected abuse or
293 neglect of a child or youth or cooperates with an investigation of child
294 abuse or neglect shall be kept confidential upon request or upon
295 determination by the department that disclosure of such information
296 may be detrimental to the safety or interests of the individual, except
297 the name of any such individual shall be disclosed (1) to (A) an
298 employee of the department for reasons reasonably related to the
299 business of the department, (B) a law enforcement officer for purposes
300 of investigating abuse or neglect of a child or youth, (C) a state's
301 attorney for purposes of investigating or prosecuting abuse or neglect

302 of a child or youth, (D) an assistant attorney general or other legal
303 counsel representing the department, (E) a judge of the Superior Court
304 and all necessary parties in a court proceeding pursuant to section 17a-
305 112 or 46b-129, or a criminal prosecution involving child abuse or
306 neglect, (F) a state child care licensing agency, or (G) the executive
307 director of any institution, school or facility or superintendent of
308 schools pursuant to section 17a-101i, and (2) in accordance with the
309 provisions of subparagraph (B) of subdivision (1) of subsection (g) of
310 this section.

311 (g) The department, subject to subsection (c) of this section, shall
312 disclose records, without the consent of the person who is subject of
313 the record, to:

314 (1) Any person who is named in the record or the person's
315 authorized representative, provided (A) such person shall only have
316 access to information about such person or such person's biological or
317 adoptive minor children and provided such person's parental rights to
318 said children have not been terminated; and (B) information
319 identifying an individual who reported abuse or neglect of a person,
320 including any tape recording of an oral report pursuant to section 17a-
321 103, shall not be disclosed unless, upon application to the Superior
322 Court by such person and served on the Commissioner of Children
323 and Families, a judge determines after a hearing and an in camera
324 review of relevant records, that there is reasonable cause to believe the
325 reporter knowingly made a false report or that other interests of justice
326 require such disclosure;

327 (2) Any employee of the department for any purpose reasonably
328 related to the business of the department;

329 (3) Any guardian ad litem or attorney appointed to represent a child
330 or youth in any court in litigation affecting the best interests of the
331 child or youth;

332 (4) Any employee or former employee of the department or such

333 employee or former employee's authorized representative for purposes
334 of participating in litigation in any court or in any administrative or
335 disciplinary hearing or other proceeding or appeal from decision after
336 such hearing, provided such disclosure shall be limited to those
337 records that are applicable and necessary for the purpose of such
338 hearing or appeal as determined by the department;

339 (5) The Attorney General, any assistant attorney general or any
340 other legal counsel retained to represent the department during the
341 course of a legal proceeding involving the department or an individual
342 employee of the department;

343 (6) The Child Advocate;

344 (7) The Chief State's Attorney or a designee for purposes of
345 investigating or prosecuting an allegation of child abuse or neglect;

346 (8) Any state or federal law enforcement officer for purposes of
347 investigating an allegation of child abuse or neglect;

348 (9) Multidisciplinary teams pursuant to the provisions of section
349 17a-106a;

350 (10) Any provider of professional services for a child or youth or
351 parent referred to the provider, provided disclosure is limited to such
352 information necessary to provide services to the child or youth or
353 parent;

354 (11) Any individual or agency under contract with the department
355 for the purpose of identifying and assessing potential foster or
356 prospective adoptive homes for a child or youth who is the subject of
357 the record, provided no information that identifies a biological parent
358 of a child or youth may be disclosed further without the permission of
359 such biological parent;

360 (12) Any foster or prospective adoptive parent, if the records pertain
361 to a child or youth currently placed with the foster or prospective

362 adoptive parent, or a child or youth being considered for placement
363 with the foster or prospective adoptive parent and the records relate to
364 the social, medical, psychological or educational needs of the child or
365 youth, provided no information identifying a biological parent may be
366 disclosed without the permission of such biological parent;

367 (13) The Governor, when requested in writing, in the course of the
368 Governor's official functions or the Legislative Program Review and
369 Investigations Committee, the joint standing committees of the General
370 Assembly having cognizance of matters relating to human services and
371 the judiciary and the select committee of the General Assembly having
372 cognizance of matters relating to children, when requested in writing,
373 in the course of such committees' official functions, and upon a
374 majority vote of said committees, provided no names or other
375 identifying information shall be disclosed unless the disclosure is
376 essential to the gubernatorial or legislative purpose;

377 (14) The Department of Public Health, subject to the provisions of
378 section 17a-101g and section 17a-101k, for the purpose of (A)
379 determining the suitability of a person to care for children in a facility
380 licensed pursuant to section 19a-77, section 19a-80 or section 19a-87b,
381 or (B) determining suitability of such person for licensure;

382 (15) The Department of Social Services, subject to the provisions of
383 section 17a-101g and section 17a-101k for purposes of (A) determining
384 the suitability of a person for any payment from the Department of
385 Social Services for providing child care, or (B) promoting the health,
386 safety and welfare of the child or youth;

387 (16) Any state agency that licenses or certifies a person to educate or
388 care for children or youth, subject to the provisions of section 17a-101g
389 and section 17a-101k concerning nondisclosure of findings of
390 responsibility for abuse and neglect;

391 (17) Any individual, including a physician, authorized pursuant to
392 section 17a-101f to place a child or youth in protective custody if such

393 individual has before him or her a child or youth whom the individual
394 reasonably suspects may be a victim of abuse or neglect and such
395 individual requires the information in a record in order to determine
396 whether to place the child or youth in protective custody;

397 (18) Any individual who reports child abuse pursuant to sections
398 17a-101a to 17a-101c, inclusive, or section 17a-103, who made a report
399 of abuse involving the subject child or youth, provided the information
400 disclosed is limited to (A) the status of the investigation, and (B) in
401 general terms, any action taken by the department;

402 (19) Any employee of the Board of Pardons and Paroles, the
403 Department of Correction or the Judicial Department for the purpose
404 of assessing treatment needs and determining terms or conditions of
405 pretrial release, pretrial or postdisposition detention or incarceration,
406 probation or parole;

407 (20) Any judge of the Superior Court or Probate Court and any
408 necessary party in a custody proceeding where such records concern
409 the child or youth who is the subject of the proceeding or the parent of
410 such child or youth;

411 (21) Any judge of the Superior Court (A) for purposes of
412 determining the appropriate disposition of a child convicted as
413 delinquent or a child who is a member of a family with service needs;
414 or (B) in a criminal prosecution, for purposes of an in camera review if
415 (i) the court has ordered that the record be provided to the court, or (ii)
416 a party to the proceeding has issued a subpoena for the record;

417 (22) Any individual or public or private agency engaged in medical,
418 psychological or psychiatric diagnosis, or treatment of a person who
419 has perpetrated abuse or neglect or who is unwilling or unable to
420 protect the child or youth from abuse or neglect when the
421 commissioner, or the commissioner's designee, determines that the
422 disclosure is necessary to accomplish the objectives of diagnosis or
423 treatment;

424 (23) Any court or public agency in another state, or a federally
425 recognized Indian tribe which is responsible for investigating or
426 protecting against child abuse or neglect or providing services to
427 families at risk of abuse or neglect, for the purpose of investigating or
428 protecting against abuse or neglect or providing services to such
429 family;

430 (24) Any individual conducting bona fide research, provided no
431 information identifying the subject of the record shall be disclosed
432 unless (A) such information is essential to the purpose of the research,
433 and (B) the department has given written approval;

434 (25) The Auditors of Public Accounts or their representative,
435 provided no information identifying the subject of the record shall be
436 disclosed unless such information is essential to an audit conducted
437 pursuant to section 2-90;

438 (26) Any individual or agency involved in the collection of fees for
439 services, provided such information is limited to the name and address
440 of the person who received the services and the fees for services,
441 except as provided in section 17b-225. In cases where a dispute arises
442 over such fees or claims or where additional information is needed to
443 substantiate the fee or claim, such disclosure of further information
444 shall be limited to the following: (A) That the person was in fact
445 provided services by the department; (B) dates and duration of service;
446 and (C) a general description of the service, which shall include
447 evidence that a service or treatment plan exists and has been carried
448 out and evidence to substantiate the necessity for admission and
449 length of stay in any institution or facility; and

450 (27) Any local or regional board of education, provided the records
451 are limited to educational records created or obtained by the state or
452 Connecticut-Unified School District #2, established pursuant to section
453 17a-37.

454 (h) The department, subject to subsection (c) of this section, may

455 disclose records without the consent of the person who is the subject of
456 the record, to:

457 (1) Any law enforcement officer or state's attorney if there is
458 reasonable cause to believe that a child or youth is being abused or
459 neglected, or at risk of being abused or neglected as a result of any
460 suspected criminal activity by any person;

461 (2) Any individual interviewed as part of an investigation
462 conducted pursuant to section 17a-101g who is not otherwise entitled
463 to such information, provided such information shall be limited to: (A)
464 The general nature of the allegations contained in the reports; (B) the
465 identity of the child or youth alleged to have been abused or neglected;
466 (C) the identity of the alleged perpetrator; and (D) information
467 necessary to further the course of the investigation;

468 (3) School employees who (A) are mental health professionals, as
469 defined in section 10-76t, or (B) have direct responsibility for
470 implementing the educational program of the child or youth receiving
471 services from the department, provided such disclosure is limited to
472 information reasonably necessary to provide educational services to
473 the child or youth;

474 (4) Any individual, when information concerning an incident of
475 abuse or neglect has been made public or the commissioner reasonably
476 believes publication of such information is likely, provided such
477 disclosure is limited to: (A) Whether the department has received a
478 report in accordance with sections 17a-101a to 17a-101c, inclusive, or
479 section 17a-103; (B) in general terms, any action taken by the
480 department, provided: (i) Names or other individually identifiable
481 information of the minor victim or other family members is not
482 disclosed, regardless of whether such individually identifiable
483 information is otherwise available, and (ii) the name or other
484 individually identifiable information of the person suspected to be
485 responsible for the abuse or neglect is not disclosed unless such person
486 has been arrested for a crime due to such abuse or neglect; (C)

487 confirmation or denial of the accuracy of information that has been
488 made public; and (D) in general terms, the current legal status of the
489 case;

490 (5) Any individual for the purposes of locating a missing parent,
491 child or youth, provided such disclosure is limited to information that
492 assists in locating such missing parent, child or youth;

493 (6) Any individual, when the information or findings concern an
494 incident of abuse or neglect which resulted in a child or youth fatality
495 or near fatality of a child or youth, provided disclosure of such
496 information or findings is in general terms and does not jeopardize a
497 pending investigation;

498 (7) Any court of competent jurisdiction whenever an employee of
499 the department is subpoenaed and ordered to testify about such
500 records; and

501 (8) Individuals not employed by the department who arrange,
502 perform or assist in performing functions or activities on behalf of the
503 department, including, but not limited to, data analysis, processing or
504 administration, utilization review, quality assurance, practice
505 management, consultation, data aggregation and accreditation
506 services.

507 (i) Notwithstanding the provisions of subsections (e) to (h),
508 inclusive, of this section, the department may refuse to disclose records
509 to any individual, provided the department gives such individual
510 notice (1) that records are being withheld, (2) of the general nature of
511 the records being withheld, (3) of the department's reason for refusing
512 to disclose the records, and (4) of the individual's right to judicial
513 relief.

514 (j) Any person or the person's authorized representative (1)
515 aggrieved by a violation of subsection (b), (d), (f) to (h), inclusive, or (l)
516 of this section may seek judicial relief in the manner prescribed in

517 section 52-146j, or (2) denied access to records by the department
518 under subsection (i) of this section, may petition the superior court for
519 juvenile matters for the venue district provided in section 46b-142 in
520 which the person resides, for an order requiring the commissioner to
521 permit access to the records, and the court, after a hearing and an in
522 camera review of the records in question, shall issue such order unless
523 the court determines that to permit such disclosure of all or any
524 portion of the record (A) would be contrary to the best interests of the
525 person, the person's authorized representative or the person who is the
526 subject of the record, (B) could reasonably result in the risk of harm to
527 any person, or (C) would contravene the public policy of this state.

528 (k) Any party to a civil proceeding may petition the superior court
529 for juvenile matters for the venue district provided in section 46b-142
530 in which the party resides for an order authorizing disclosure of the
531 record of another party to the civil proceeding, provided the court,
532 after an in camera review, finds the records are material and relevant
533 to those proceedings and that good cause exists to disclose the records.
534 Good cause may include, but is not limited to, the fact that the party
535 seeking the record has no other available means of obtaining the
536 information sought.

537 (l) Each written record disclosed to another individual or agency
538 shall bear a stamp requiring confidentiality in accordance with this
539 section. Such material shall not be disclosed without the written
540 consent of the person or as provided by this section. A copy of the
541 consent form specifying to whom and for what specific use the record
542 is disclosed or a statement setting forth any other statutory
543 authorization for disclosure and the limitations imposed on disclosure
544 shall accompany the record. In cases where the disclosure is made
545 orally, the individual disclosing the information shall inform the
546 recipient that the information is governed by the provisions of this
547 section.

548 (m) Whenever any person, attorney or authorized representative,

549 having obtained access to any record, believes there are factually
550 inaccurate entries or materials contained in the record, such person
551 shall have the unqualified right to add a statement to the record setting
552 forth what such person believes to be an accurate statement of those
553 facts, and the statement shall become a permanent part of the record.

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| This act shall take effect as follows and shall amend the following sections: | | |
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| Section 1 | October 1, 2007 | 17a-28 |
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Statement of Purpose:

To revise and update laws relating to the confidentiality of, and access to, records maintained by the Department of Children and Families.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]